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22 Attorneys for Plaintiff
JOSEPH BIRDSOING, individually
23 and as representative of the putative CLASS

24 [Additional Counsel Listed on Signature Page]
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH BIRDSONG, individually and as
representative of the CLASS,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Case No. C 06-02280 JW PVT

Judge: Hon. James Ware

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE AND HEARING ON APPLE
INC.'S MOTION TO DISMISS**

WHEREAS the Case Management Conference and hearing on the Motion to Dismiss of Defendant Apple Inc. ("Apple") was originally calendared for May 7, 2007;

WHEREAS the Court on its own motion continued the Case Management Conference and hearing on Apple's Motion to Dismiss to May 21, 2007;

WHEREAS Counsel for Apple has a preexisting and irreconcilable scheduling conflict requiring his appearance in the United States District Court for the District of Delaware on May 21, 2007;

WHEREAS Apple and plaintiff Joseph Birdsong, individually and as representative of the putative Class, have agreed to continue the Case Management Conference and the Hearing on the Motion to Dismiss to June 4, 2007;

IT IS HEREBY STIPULATED AND REQUESTED by the parties, pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with their agreements, that the Case Management Conference currently set for Monday, May 21, 2007 be continued to Monday, June 4, 2007.

WHEREFORE, based on the foregoing and for good cause shown, the parties respectfully request that this Court continue the hearing on Apple's Motion to Dismiss and the Case Management Conference to Monday, June 4, 2007, in Courtroom 8, 4th Floor, San Jose at 9:00 a.m. and 10:00 a.m., respectively.

1 Respectfully submitted,

2 Dated: May 7, 2007

3 HAGENS BERMAN SOBOL SHAPIRO LLP

5 By: /s/ Jeff D. Friedman

6 Jeff D. Friedman

7 Attorneys for Plaintiff
8 JOSEPH BIRDSONG,
9 individually and as representative
10 of the putative CLASS

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Respectfully submitted,

Dated: May 7, 2007

KIRKLAND & ELLIS LLP

By: /s/ Mark E. McKane

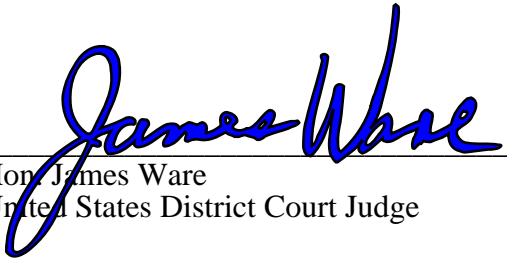
Mark E. McKane

Attorneys for Defendant
APPLE INC.

1 ~~James Ware~~ [PROPOSED] ORDER

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3 IT IS SO ORDERED.

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5 Dated: May 10 2007

6 
Hon. James Ware
United States District Court Judge

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE AND HEARING ON APPLE INC.'S MOTION TO DISMISS. In compliance with General Order 45, X.B., I hereby attest that Jeff D. Friedman, counsel for Plaintiff Joseph Birdsong, has concurred in this filing.

/s/ Mark E. McKane
Mark E. McKane